

TOWN MANAGER
Ken Deal

TOWN CLERK
Pamela Mills

TOWN ATTORNEY
Tom Brooke



MAYOR
Lee Withers

TOWN COUNCIL
Arthur Heggins
Brandon Linn
Rodney Phillips
Charles Seaford
Steve Stroud

TOWN OF CHINA GROVE
A regular meeting of the China Grove Town Council

Tuesday, June 4, 2019
7:00 p.m.

China Grove Town Hall
China Grove, North Carolina

CALL TO ORDER

Mayor Withers called the regular meeting of June 4th, 2019 to order and led the audience in the Pledge of Allegiance.

Mayor Withers called roll. All council members were present. There was a quorum.

The meeting started at 7:00 pm at the Town Hall.

Mr. Stroud amended the agenda with this change:

Remove Department Updates

Mr. Stroud made a motion to adopt the agenda. Mr. Heggins seconded the motion, which carried unanimously.

Consent Agenda items:

- a) Approve Minutes from May 7th, 2019 special meeting
- b) Approve Minutes from May 7th, 2019 regular meeting
- c) Adopt Ordinance to close northbound lane of Main Street for Cruise In
- d) Adopt Ordinance to close Main Street for Farmers Day
- e) Adopt Budget Amendment Ordinance
- f) Adopt Resolution of Support Bicycle and Pedestrian Planning Grant Initiative

Mr. Stroud made a motion to approve the consent agenda. Mr. Seaford seconded the motion, which carried unanimously.

Mayor Withers recognized two of the Mayors Council members, Raychel Harrity from South Rowan High School and Robert Gould from China Grove Middle School.

CITIZEN COMMENT

None

NEW BUSINESS

- I) Cancel July Regular Meeting

Mr. Phillips made the motion to cancel the July 2nd, 2019 Regular Meeting. Mr. Seaford seconded the motion which carried unanimously.

II) Change the time or date of the Regular Meeting in August

Mr. Linn made the motion to change the August 6th, 2019 Regular Meeting to August 13th at 7:00 pm. Mr. Seaford seconded the motion which carried unanimously.

PUBLIC HEARING

I) Fiscal Year 19-20 Budget Adoption

Mr. Deal stated the budget has been prepared with the considerations of the Council. He stated the town held two planning sessions on the budget and have not received any additional comments or concerns. He stated the budget needs to be adopted by the Council after holding a Public Hearing.

Mayor Withers opened the Public Hearing for the Fiscal Year 2019-2020 Budget Adoption for public comments.

There were no comments.

Mayor Withers closed the Public Hearing.

a) Motion to Adopt Proposed Budget Ordinance for FY 19-20

Mr. Linn made a motion to adopt the proposed Budget Ordinance for FY 19-20. Mr. Seaford seconded the motion, which carried unanimously.

b) Motion to Adopt Fee Schedule for FY 19-20

Mr. Linn made a motion to adopt the Fee Schedule FY 19-20. Mr. Stroud seconded the motion, which carried unanimously.

c) Motion to Adopt 2019 Five Year Capital Improvement Plan

Mr. Seaford made a motion to adopt the 2019 Five Year Capital Improvement Plan. Mr. Linn seconded the motion, which carried unanimously.

Mayor Withers thanked staff for a great job on the budget process. He stated there are some great things in this budget. He stated we were able to keep a revenue neutral rate during a reclassification year. He stated the citizens in China Grove will see .04 cent reductions in tax rate.

QUASI-JUDICIAL HEARING

I) 2019-Z-01 Suburban Residential to Mixed Residential; 2019-CUP-02 & 2019-S-01

Mrs. Mills swore in Eddie Moore, Principal Land Planner with McAdams, Michael Fess, Bobby Seagroves, Joyce Sealton and Franklin Gover, Assistant Town Manager for testimony during the hearing.

Mr. Gover stated McAdams is requesting a rezoning from the Suburban Residential (RS) district to a Mixed Residential Conditional Use (RM-CUP) district to accommodate a major residential subdivision with 50-foot-wide lots. He stated we will follow the Conditional Use District Rezoning process that is outlined in the UDO in Chapter 13. He passed out and submitted into record an outline of the procedures and reviewed the procedures aloud. He stated we are looking at a 64 acre property in the Red Fox Lane, Shue Road vicinity. He stated they are currently zoned RS. He stated there is RM along Shue Road, RT along Hickory Grove Lane, Copart and Main Street Baptist Church are zoned LI. He stated along HWY 29 is zoned HB. He stated RS is established for new development on the edges of Town in which the principal use of land is low density single-family residences along with their customary accessory uses. He stated the RM is intended to create higher density areas that are typical around downtown and offer a variety of housing. He stated the RS district allows

for 30 foot front setback, 10 foot side set back, 35 foot rear setback and a minimum lot width of 70 feet. He stated the RM district allows for 10-25 foot front setback, 5 foot side set back, 25 foot rear setback and a minimum lot width of 50 feet. He stated the proposed subdivision is designed to meet the minimum requirements of the RM district. He stated looking at different neighborhoods in and around town most have 70-foot lot widths. He stated Mitchell and Stokes Street lot widths are an average of 80 - 100 feet. He stated Chinaberry Drive the lot widths are 70 feet.

Mr. Gover stated according to the China Grove Land Use Plan this property is located in the Rural Residential future land use category which is typical around the outskirts of the town's corporate limits. He stated Rural Residential is designed for residential purposes that preserve the existing rural character, by offering larger lots. He stated the RS district and Rural Preservation zoning districts would be seen as compatible with the future land use category. He stated the RM district is not considered compatible with the Rural Residential future land use category. He stated RS district is more consistent with the area and land use plan. He stated the RS and RM-CU districts are both single family zoning districts which allow stick built and modular homes. He stated the RM district allows for much higher densities, smaller lot areas, widths and setbacks. He stated conditional use district process allows the Council to place reasonable conditions that may increase compatibility with the area.

Mr. Gover stated the subject parcels currently access US 29 HWY via Red Fox Lane and they are proposing a 58-60 ft right-of-way connection on the northern side of Red Fox Lane. He stated NCDOT would need to approve the proposed right-of-way. He stated HWY 29 has no capacity issues. He stated this neighborhood will send students to China Grove Elementary & Middle Schools, and Carson High School. He stated the area will be served by SRU. He stated this project is subject to the Town's stormwater management program and permitting requirements.

Mr. Gover stated the access off of Shue Road was only intended for a utility connection. He stated the topography map it shows three lowline streams enter to parcels. He stated there are some sloops on the back of the property. He stated looking at the subdivision plat you can see the connection to HWY 29, open spaces, street stubs, and a temporary cul-de-sac. He stated the applicant is proposing mainly 50 ft lots. He stated the Planning Board had a discussion on some lots being 60 ft if the lot was affected by a steep sloop. He stated there are two stormwater control areas at the rear of the property. He reviewed the Conditional Use criteria and the four conditions that have to be met. He stated the proposed neighborhood will be reviewed by multiple agencies and will not endanger the public health or safety of the community. He stated the neighborhood site plan is designed to meet the minimum requirements of the UDO. He stated there has been no material evidence presented that this development will affect the property values of adjoining or abutting properties. He stated the Rural Residential future land use category does not recommend this type of density. He stated it will not conform with the Land Use Plan. He stated it is up to the Council to decide if it is in harmony with the area.

Mr. Gover stated there are several lots that are affected by steep sloops. He stated the Planning Board was concerned with these sloops in the back lots. He stated the Planning Board recommended a condition that no steep sloop can start within 12 ft of the rear of the home. Mr. Seaford asked what is considered a steep. Mr. Gover stated the Planning Board classified it as a change in elevation greater than 8 feet.

Mr. Gover stated looking at the cross-section they meet the minimum standard. He stated the NCDOT standard changed slightly and these plans reflect the changes. He stated the streets have 24 ft of asphalt width, 2 ft valley curb and gutter on each side, 12 ft total planting strips, and 5 ft sidewalks on each side. He stated mailed notices went out May 21st, posted signs went up on May 23rd and published notice ran in the Salisbury Post on May 21st and 28th. He stated the Planning Board recommended 7-0 for approval of the rezoning. He stated the CUP was recommended 5-2 approval with the conditions that lots 1-52 could have a minimum lot width of 50 ft, lots 53-188 could have a minimum lot width of 50 ft unless the lot had an elevation change of 8

ft or more then the lot needs to be 60 ft. He stated the Planning Board also requested no steep sloop could begin within 12 ft of the rear façade of the home, the developer shall install a greenway path up to Shue Road, the developer shall have walking trails through the nature preserve areas and the plat shall indicate a future street connection to the rear of North Main Street Baptist Church and a connectivity from Red Fox Lane to White Hare Lane. He stated public comments at the Planning Board was mainly around traffic.

Mr. Gover stated the Council has an option to suspend the review and request additional information of the applicant, other government agencies, or interested affected parties in order to aid in the review of the request or deferral of its consideration. He stated after conducting the hearing, Council has 60 days to refer the case back to the Planning Board.

Mayor Withers asked if there is there any ramifications if a motion is made and the motion fails. Mr. Gover stated if the rezoning were to fail the applicant could be prevented to apply again for a year. He stated if the rezoning were to not pass then you would not continue through the procedures.

Mr. Linn asked what does the ordinance state on how much of a percent needs to be made for the bonds. Mr. Gover stated what we bond is for streets and sidewalks. He stated part of the engineering process is the applicant would provide the estimate of what it would cost to build the streets and sidewalks. He stated they would build the street up to the top coat. He stated the bond amount is 125% of what the estimate is.

Mr. Linn asked is there a percentage of how much of the development needs to be built before the bond is set. Mr. Gover stated that is not specified, our ordinance states the improvements need to be completed within a reasonable time.

Eddie Moore, Principal Land Planner with McAdams stated this site in China Grove is a great location. He stated the Land Use Plan does recommend Rural Residential in the area. He stated based off the description of Rural Residential there are a couple items that this site has that makes it different. He stated the parcel is on the outskirts of town but has accessibility to water and sewer. He stated we are proposing a low to medium density under 3. He stated the design of the development seeks to maximize preservation of rural character. He stated we are proposing 37% open space with 67% of existing trees saved. He stated we are proposing a central park and several walking trails. He stated we feel we are meeting the intend of the recommended Rural Residential category. He stated we are requesting a maximum of 188 lots. He stated we add the Planning Board recommendation of the future connectivity to the Main Street Baptist Church property. He stated water and sewer is along HWY 29 and sewer is located along Shue Road. He stated we are not looking at connecting off of Shue Road but will be accessing sewer along Grants Creek. He stated there was a lot of discussion around lot width at the Planning Board. He stated regardless of width size the same 40 ft wide home will be on the lot. He stated by increasing the width of some lots does not help with the depth concern discussed at the Planning Board. He stated the open space requirement of the RS district is 10% and for the RM district it is 20%. He stated by changing the zoning he feels they are meeting the feel of the Rural Residential future land use category. He stated with the 50 ft lots it allows with the clustering of lots, less infrastructure and less maintains for the town in the long run. He stated the 50 ft lots will allow for better finishes on the homes. He stated 25% of the sites have existing sloops of 15% to 30%. He stated the Planning Board made five voluntary rezoning conditions that they made to the site plans. He stated we are asking to keep all the lots be 50 ft wide lots and have a 10 ft deep lot in the rear.

Mr. Seaford asked if a fence will be installed around the stormwater areas. Mr. Moore stated it is not a requirement but is an option. Mr. Seaford asked if this area will have standing water. Mr. Moore stated the water in that area will fluctuate. He stated it will be based off of storms and is required by the state to filter stormwater from the site before entering the creeks.

Mr. Stroud stated the house is 40 ft and the lots are 50 ft so there would only be 10 ft between each home.

Mr. Linn asked if a stormwater plan was submitted to the town. Mr. Gover stated we have not made it to that process.

Mayor Withers opened the hearing

Bobby Seagroves – Pine Ridge Road

He stated he has lived in the area since 1969. He stated he would the Council to consider widening Red Fox Lane on the north side instead of the south side due to more homes being on the south side of the street.

Michael Foess – 2627 Brekonridge Centre Drive, Monroe NC

He stated the 50 ft width lots gives more buying power to the future resident. He stated the design changes to add a bonus room, extra bedroom, eat in kitchen. He stated with 60 ft lots the cost for infrastructure increases and is passed along to the consumer by changing the design of the homes built.

Joyce Sealton – 295 Red Fox Lane

She stated she lives on Red Fox Lane and have lived there all her life. She stated the neighborhood sounds great but it is impossible to get in and out of Red Fox Lane at any giving point due to the traffic in the area. She stated 188 homes will bring a lot more traffic to the area and that is a concern. She stated she loves the idea of having a park, walking trails and sidewalks in the area. She stated she is opposed to the neighborhood in the area.

Mayor Withers closed the hearing

Mr. Stroud stated he has an issue with 50 ft lots and 40 ft homes. Mr. Phillips stated having housing in the area is needed to the community. He thanked the applicant for the proposal but he feels the lot width sizes are too small. Mayor Withers agreed.

Mr. Stroud made the motion to suspend the review and refer back to the Planning Board for further review with the current zoning district at 70 ft lots. Mr. Seaford seconded the motion, which carried unanimously.

Mayor Withers stated with our community being golf cart friendly he would love to see the greenway space that is incorporated become a golf cart path to access other parts of the town.

Mr. Gover stated after a discussion with the applicant they would like to present to the Planning Board at the July 11th meeting and bring it back to the Town Council at the August 13th meeting.

COUNCIL UPDATES

Mr. Linn thanked Mr. Deal and staff with the budget. He stated as a part of the Council it is great knowing China Grove is being taking care of.

Mr. Seaford stated the Block Party was a great event this past weekend. He stated the foam pit was a great hit and all kids enjoyed all the fun. Mayor Withers stated it was a great use of a growing block with all the improvements. He stated that block is a great asset to the town.

Mayor Withers thanked Public Works for getting the spaces on Main Street painted.

Mayor Withers asked for an update on the quit zone. Mr. Deal stated there was an employee change at the Rail division and we lost contact with them. He stated after getting in contact with another employee he stated the quit zone will be in effect on June 17th.

ADJOURNMENT

Mr. Stroud made a motion to adjourn. Mr. Linn seconded the motion, which carried unanimously.

Respectfully Submitted,

Pamela L. Mills, CMC
Town Clerk

Lee Withers
Mayor